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KINGSTON ONTARIO CANADA

AN
ADDRESS
TO THOSE
CITIZENS
WHO,
IN THEIR PUBLIC AND PRIVATE
CAPACITY, RESISTED THE CLAIM
OF THE
LATE HOUSE OF COMMONS,
TO NOMINATE THE
MINISTERS OF THE CROWN,

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A D D R E S S, &c.

IT is a singular phenomenon, that the conflicts of party should, in the space of four years, exact a second vindication of the fundamental principles of our mixed government, and that this necessity should arise from the views of those who have risen to power on directly opposite pretensions. The situation of parties is precisely reversed, but the interests of the people continue the same; and we are taught this useful lesson, that amidst the contention of ambitious individuals, a strict attachment to the forms and spirit of the constitution in the great body of the people, can alone give permanent security to the rights of all.

The question is not at present, whether a refusal of supplies by the house of commons, until their favourite shall be appointed minister, be an indirect assumption of the royal prerogative, or whether a temporary government of India by the nominees of a party, would operate as an unconstitutional restraint on the just powers of the crown. The question now presents itself in a shape, which sophistry cannot disguise, and which no understanding can mistake.—Whether Mr. Pitt, and his colleagues, shall be invested with the whole regal authority, under a commission unlimited in extent, and indefinite in duration? Or, in other words,—whether our limited monarchy shall be converted into a republic, by an abolition of one essential constituent branch of our government? Nor will the question be varied, whether this be attempted by a commission of regency, or a regent, with a council, authorised to controul.

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I know not by what authority this political monster can now be created. To maintain that either, or both houses of parliament, without the concurrence of the crown, have a legislative power, is, by statute, declared to be criminal; and the present occasion presupposes the incapacity of his majesty to exercise this, or any other function of royalty. No legislative power exists, therefore, in the kingdom, unless the exercise of regal power *devolves* on the prince; and nothing less than legislative authority can create new rights; not acknowledged by the existing laws, or vary rights so acknowledged.—This reasoning is equally just, and valid, under a *government by law*, when applied to the meanest peasant, or the heir apparent to the throne. I admit, that the general concurrence of the nation may change the succession, as happened at the revolution; but where no national rights are violated, where no pretence of necessity exists, these principles will not be resorted to. At least the friends of order will not resort to principles, which assume a dissolution

tion of the government, until perfectly convinced that no other principles can decide on the exercise of the regal power; and if compelled to act on principles so dangerous to good government, will follow that analogy of law which may best obtain the willing obedience of the people.

No precedents can be found applicable to the present condition of his majesty; and if such precedents did exist in our history, these derived from times of violence, could have little authority. The analogy of law must be our guide; and this analogy appears so perfect, as to preclude all possibility of mistake. Should the king die, the exercise of regal power instantly devolves on the heir apparent, being of full age. Suppose the present incapacity of his majesty to continue permanent during life, can the imagination of man state a difference in the two cases, that is not merely nominal? *The possibility of the king's recovery,* creates a necessity of providing for *that event*; and the continued exercise of the
regal

regal power *in his name*, forms *that uniform acknowledgment of his right*, which constitutes the essential distinction between a regent and a king. No argument can be urged for a limitation of power, which does not immediately tend to a change of government, and apply with equal force to a king as to a regent, except one;—to state which, would be to outrage the feelings of a son, and to libel equally the prince and people. If the attempt could be made, he were unworthy to reign;—if success were possible, the people must be so corrupt, that the iron hand of despotism would alone be adequate to repress their crimes. Waving, therefore, this motive, which can operate only on the basest of mankind, there yet remains another, which may be acted on, but which will not be avowed—ambition may tempt even those who have risen to power by a defence of prerogative, to usurp the whole regal authority, and to step into the vacant throne.

The first consequence of a vote by the two houses of parliament, nominating private subjects to the exercise of any part of the regal power, must be, that their authority will not be generally acknowledged. Many will view it as a mere usurpation; and all the confusion incident to a disputed succession, will ensue. Nay more, unfounded in any principle of the constitution, its complete success will operate as a dissolution of the frame of our government.

One essential character of the regal power in this country, is the prerogative of convening and dissolving parliaments, and of acting as one branch of the legislature. This prerogative, from its nature, can alone subsist in one, who is personally irresponsible to the two houses of parliament; for how can any human being exercise the function of an *independent* branch of the legislature, when his power is created by *the will of the other two branches*, and its duration depends on *their pleasure*. This function of royalty would, therefore, be
abolished

abolished by the proposed nomination, and its abolition would make a breach in the constitution, which must render precarious all the other prerogatives of the crown, or, perhaps hazard the hereditary right of the monarch.

The prerogatives of dissolving parliaments, and of refusing to the resolves of the two houses the force and authority of laws, are merely defensive in the crown, intended to resist the encroachments on the regal power, and to prevent the leaders of parties usurping the executive branch of government. These prerogatives are vested by *hereditary* succession in *one family*, to give a *permanent* interest in their defence, while the person, in whom these prerogatives are vested, is rendered *irresponsible*, that no terrors may induce him to relinquish the trust. We know, from our history, that when the sitting of parliament was, by law, rendered independent of the crown, all the other prerogatives of the executive magistrate were wrested from him, and a detestable

testable tyranny established on the ruins of the constitution. Private subjects *cannot* exercise these defensive prerogatives, because they must ever be amenable to the two houses of parliament. They *will not*, because they have no interest to maintain the prerogatives of the crown, but a direct interest to destroy.

Whence would a minister in this situation derive his strength?—His influence in parliament is the source, and must be the foundation of his power. To gratify the men who constitute these assemblies, he must divide among them all the functions of executive power. Every exercise of authority, every law would be directed to this end; and the executive would be blended with the legislative authority, to the destruction of public liberty. Nor would the accession of the heir apparent, on the future demise of the crown, restore government to its pristine health, because laws passed, during this interregnum, would not be repealed, without the

the concurrence of both houses of parliament.

The fundamental principle of our constitution is, to vest in one person, by hereditary succession, all the *active* powers of government, and to give to parliament the *powers of controul*. It is, however, unnecessary *now* to discuss all the consequences of transferring the regal power to the leading members of either house of parliament, because on this subject the nation have already decided. Parliaments would become worse than useless—They would acquire an interest, directly opposite to that of the people. Mr. Pitt cannot make the attempt, without openly avowing his former pretensions to be mere hypocrisy. You cannot support the attempt, without avowing personal motives, which must render you unworthy of all trust and confidence. The attempt, if made, must be vain, because the nation are passionately attached to their government. They know and feel, that the government
 established

established in this island, secures to the meanest subject, the most perfect freedom—independence of every power but of the laws.—They will not, therefore, endure innovation, but with hand and heart will unite to preserve the frame of this government entire.

A PRIVATE CITIZEN.

